IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.23837 of 2008
RABINDRA YADAV
Versus

THE STATE OF BIHAR
- - - -

3. 20.8.2008 Heard.

The petitioner is the elder brother of the husband of the deceased. The deceased was married over six years ago to Ramji Prasad Yadav and there were to children borne to the deceased, one daughter and a son. The allegation is that the deceased was being ill-treated for not bringing additional dowry so much so that she was not even got treated whenever she fell ill and it were her father and brother who took her to a Doctor. It is alleged that for not getting the dowry the petitioner and other accused persons killed the deceased and her two small children by setting them on fire by pouring kerosene oil. Some of the paragraphs of the case diary which have been referred to do not indicate that it could be a case of suicide.

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Learned counsel appearing for the petitioner submitted that there could be no reason for the petitioner to have committed

the murder of the wife and children of his brother, especially, the male child and that it does not appear reasonably expected conduct on the part of the petitioner that he would kill the mother of two children who was part of the family. An attempt was made to impress upon the court that the act was the result of a quarrel between the husband and the deceased wife on petty family matters and also that the lady was not able to understand family course and she used always to quarrel with her husband and probably on that account she committed suicide.

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The Court does not see anything coming forth that the lady, because of being frustrated, would have killed her two children. The act appears quite some a different act than what was proposed to be submitted and to be accepted by this Court inasmuch as the description of the place of occurrence completely rules out the commission of suicide by the lady and killing her two children. This is too early to come to a conclusion as regards the explanation given for the death of the lady and her two

children. Considering the above facts and circumstances, I am not inclined to direct release of the petitioner.

The petition is dismissed.

Kanth

(Dharnidhar Jha, J.)

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